

  
1169944 - R8 SDMS

## Preliminary Questions

Polly Jessen

to:

Mia Bearley

09/03/2010 06:40 AM

Cc:

Kathryn Hernandez, Maureen O'Reilly, John Dalton, Matthew Cohn, "Jason Christensen",  
Miranda\_Menzies, "John Putnam", "Brooke McKinley", "Lori Potter", "Tom Daley"

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## 1 Attachment



Initial Questions from Park City.DOC

Mia,

As promised in my earlier message, attached is a preliminary list of questions that Park City would like to begin discussing during the meeting proposed below for Tuesday. I understand that Lori and Kathy have spoken and that Kathy is confirming availability for this meeting this morning.

We also are happy to host this meeting in our offices if it is more convenient for your group.

Please do not hesitate to call with any questions. Thank you!

Polly B. Jessen  
Kaplan Kirsch & Rockwell LLP  
1675 Broadway, Suite 2300  
Denver, CO 80202  
(303) 825-7000  
[www.kaplankirsch.com](http://www.kaplankirsch.com)

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**From:** Polly Jessen**Sent:** Thursday, September 02, 2010 3:45 PM**To:** 'Bearley.Mia@epamail.epa.gov'**Cc:** Hernandez.Kathryn@epamail.epa.gov; O'Reilly.Maureen@epamail.epa.gov; Dalton.John@epamail.epa.gov;  
Cohn.Matthew@epamail.epa.gov; 'Jason Christensen'; 'Miranda\_Menzies@URSCorp.com'; John Putnam; Brooke  
McKinley**Subject:** RE: Meeting Dates

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**Sent:** Tuesday, August 31, 2010 5:21 PM  
**To:** 'Bearley.Mia@epamail.epa.gov'  
**Cc:** Lori Potter  
**Subject:** Meeting Dates

To follow up on our conversation, I'm working first on our internal schedule and will send the group e-mail regarding meeting dates as soon as I have Park City team preferences/availability nailed down. Thanks for your time today on this interim issue.

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**Initial Questions from Park City  
Proposed OU3 of the Richardson Flats Repository Site**

**Confidential Settlement Communication**

- What are the boundaries of the OU? How were they selected?
- What parcels in the OU has EPA identified as within City ownership? What parties own the remainder?
- What is the actual acreage that EPA considers to be contaminated? On a parcel-by-parcel basis, what are the volume, type, and relative concentration of hazardous substances present? What reports or investigations is EPA relying on to reach this conclusion?
- What is the source of the contamination on the City's parcels based on EPA's research? What sources of information is EPA relying on?
- Has EPA assumed any active role by the City in placing, managing, or exacerbating any materials on City property? If so, please describe.
- What are the pathways of release within OU3? Migration to surface water? Migration to ground water? What are the pathways of exposure and receptors EPA is considering? What sources of information is EPA relying on?
- Does EPA consider Park City to have been cooperative with EPA investigations and efforts?
- What is the factual basis for EPA's calculation of a 20-year period during which EPA has preliminarily allocated responsibility for the Prospector Drain outfall to Park City? What reports or other information is EPA relying on to reach this conclusion?
- What is EPA's view of the mechanisms and likely sources that are contributing to metals loading in the Prospector Drain outfall? What responsibility is EPA assuming that the City has for these mechanisms and sources, if any? What reports or investigations is EPA relying on to reach this conclusion?
- What hazardous substances has EPA identified in the Silver Maple Claims area? What is EPA's calculation of the distribution and total volume of soil and mining waste with elevated metals concentrations at Silver Maple Claims? What reports or investigations is EPA relying on to reach this conclusion?
- What does EPA consider to be the percentage of metals concentration in soil or water at the Silver Maple Claims Site attributable to outfall from the Prospector Drain vs. existing mining waste? What reports of investigations is EPA relying on to reach this conclusion?

- What is EPA's/BLM's assumption regarding the performance of the biocell? What reports or investigations is EPA relying on?
- Are there any steps suggested by EPA that the City has failed to take with regard to the outfall? In EPA's view could the City have taken steps to address metals concentrations in the outfall earlier than it did?
- What are EPA's expectations for OU3 in regards to the volume of waste to be managed by capping in place vs. consolidation at a repository?
- What are the constraints on the size of the repository at OU1 that limit total capacity of the repository?
- What is EPA's basis for estimating 1 million cubic yards of development waste being generated within Park City?
- Is the 900,000 cyds the total capacity at Richardson Flat OU1 repository or is it the currently available capacity?
- Can EPA provide any information on the status of the Quincy, Little Bell, & Flagstaff Mine Dumps within the Empire Canyon CERCLIS site?
- Can EPA provide information on the slope of the Anchor Mine dump and its expected stability?
- What are EPA's plans with regard to the partially covered Alliance Mine dump?
- What water sampling data for Empire Canyon and the Judge Tunnel has EPA gathered in the past 3 years?
- What is EPA's understanding of the current operations at Judge Tunnel, as well as the history of Judge Tunnel?



RE: Preliminary Questions

Jason Christensen

to:

Polly Jessen, khernandez2, Mia Bearley

09/03/2010 11:42 AM

Cc:

Kathryn Hernandez, Maureen O'Reilly, John Dalton, Matthew Cohn, Miranda Menzies, "John Putnam", "Brooke McKinley", "Lori Potter", "Tom Daley", "Joan Card", "Reeves, Sarah"

Show Details

Thanks Kathy,

Since it doesn't appear that we will be having a technical meeting on Tuesday would it be possible for you to email a map of the proposed OU3 boundaries to Park City? That would help us prepare for a future meeting to discuss allocations under the proposed framework. Also one of the dates Mia mentioned as being available for a meeting, Wed Sept 8<sup>th</sup> from 9:15-1:00 PM will not work for Park City as we have a meeting scheduled with UDEQ to discuss UPDES permits. Park City is looking forward to having a technical meeting on Mon Sept 13<sup>th</sup>, or earlier depending on everyone's availability.

Thanks

Jason Christensen

PCMC

**From:** Polly Jessen [mailto:pjessen@kaplankirsch.com]

**Sent:** Friday, September 03, 2010 10:59 AM

**To:** khernandez2@vzw.blackberry.net; Bearley.Mia@epamail.epa.gov

**Cc:** Kathryn Hernandez; O'Reilly.Maureen@epamail.epa.gov; John Dalton; Cohn.Matthew@epamail.epa.gov; Jason Christensen; Miranda\_Menzies@URSCorp.com; John Putnam; Brooke McKinley; Lori Potter; Tom Daley

**Subject:** RE: Preliminary Questions

Thank you for your response, Kathy. Please let us know if one of the other days Mia originally offered may work. I think Kathy also mentioned she may have Thursday available when we spoke briefly about scheduling this morning. I will do the same.

Have a good weekend!

Polly

**From:** khernandez2@vzw.blackberry.net [mailto:khernandez2@vzw.blackberry.net]

**Sent:** Friday, September 03, 2010 6:57 AM

**To:** Polly Jessen; Bearley.Mia@epamail.epa.gov

**Cc:** Kathryn Hernandez; O'Reilly.Maureen@epamail.epa.gov; John Dalton; Cohn.Matthew@epamail.epa.gov; Jason Christensen; Miranda\_Menzies@URSCorp.com; John Putnam; Brooke McKinley; Lori Potter; Tom Daley

**Subject:** Re: Preliminary Questions

I have not been able to confirm availability for the "technical meeting". With the four day weekend this may not work.

Kathy

Sent from my Verizon Wireless BlackBerry

**From:** "Polly Jessen" <pjessen@kaplankirsch.com>  
**Date:** Fri, 3 Sep 2010 06:40:04 -0600  
**To:** <Bearley.Mia@epamail.epa.gov>  
**Cc:** <Hernandez.Kathryn@epamail.epa.gov>; <OReilly.Maureen@epamail.epa.gov>; <Dalton.John@epamail.epa.gov>; <Cohn.Matthew@epamail.epa.gov>; Jason Christensen<jason.christensen@parkcity.org>; <Miranda\_Menzies@URSCorp.com>; John Putnam<jputnam@kaplankirsch.com>; Brooke McKinley<bmcKinley@kaplankirsch.com>; Lori Potter<lpotter@kaplankirsch.com>; Tom Daley<tdaley@parkcity.org>  
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